

APR 14 2008



MEMO ENDORSED

STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

ELECTRONICALLY FILED

DATE FILED 4/14/08

(212) 416-6185

APPLICATION GRANTED.

Division of State Counsel
Litigation Bureau

SEE COURT'S RULES

RE: MOTIONS.

April 11, 2008

SO ORDERED:

Date: 4/14/08

Richard M. Berman, U.S.D.J.

Re: Alexander v. Galeno, et al., 07 Civ. 9662 (RMB)(DFE)**By Hand**

The Honorable Richard M. Berman
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Dear Judge Berman:

I am the Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to represent defendant Superintendent Luis R. Marshall in this action, who has requested representation from my office. The other defendants have not requested representation and I have not been advised that they have received Waiver of Service of Summons forms with respect to the Complaint or that service has been otherwise attempted on them. A copy of the Complaint was sent to non-defendant Commissioner Brian Fischer, which would in no way be considered service upon the remaining defendants. Superintendent Marshall's response would ordinarily be due on April 14, 2008. I respectfully request that he be allowed until May 26, 2008 to answer or move to dismiss in this action. It is anticipated that if and when they receive copies of the Complaint, the other defendants will request representation from my office. If they do, it is respectfully requested that they also be allowed to answer and/or move to dismiss on or before May 26, 2008 as well. This should allow plaintiff enough time to properly attempt service and allow the defendants to submit a joint response and avoid the inefficiency of separate responses.

I have not requested plaintiff's permission for this revision of the deadlines because he is incarcerated and it is unlikely that he will respond before April 14, 2008. This is the first such request from my office. It does not appear to impact any pending deadlines other than set forth above.

We thank the Court for its consideration in this matter.

Respectfully submitted,

Jeb Harben

Assistant Attorney General

cc: Willie Alexander (DIN # 90B3134), Plaintiff *Pro Se* (By Mail)